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**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Paper No. 9

Application Number: 09/390,154
Filing Date: September 03, 1999
Appellant(s): MUKHERJEE, RAJAT

John L. Rogitz – Reg. No. 33,549
For Appellant

**EXAMINER'S ANSWER**

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This is in response to the appeal brief filed April 24th, 2002.

***(1) Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

***(2) Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

***(3) Status of Claims***

The statement of the status of the claims contained in the brief is correct.

***(4) Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

***(5) Summary of Invention***

The summary of invention contained in the brief is correct.

***(6) Issues***

The appellant's statement of the issues in the brief is correct.

***(7) Grouping of Claims***

Appellant's brief includes a statement that claims 1-6 and 12-20 and 7 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

***(8) Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

***(9) Prior Art of Record***

| | | |
|---|---|---|
| 5,974,455 | Monier | 12-1995 |
| 6,035,330 | Astiz et al. | 03-1996 |

***(10) Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-8 and 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6,035,330 issued to Astiz et al. (hereinafter as Astiz) in view of US Patent No. 5,974,455 issued to Monier.

With respect to claim 1, Astiz discloses storing data representative of the assets and hyperlinks in a database (col. 7, lines 48-67 and col. 10, lines 50-67); and using the database, ensuring that when a user browser selects a hyperlink represented in the database, the user is not presented with a "file not found" message (col. 11, lines 58-67 and col. 12, lines 1-14).

Astiz does not explicitly indicate, "crawling the Web servers to identify assets and hyperlinks therein."

However, Monier discloses crawling the web servers to identify assets and hyperlink as claimed (abstract, col. 3, lines 1-64).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Astiz with the teachings of Monier so as to obtain a computer system for managing assets on plurality of web servers because the combination would let the users to select a hypertext document in the database from which the web browser would not return an error message or "file not found message because the combination would provide the method for managing assets on plurality of web servers enable to provide the navigational map to the users (Astiz – col. 5, lines 22-38) in the information retrieval via computer network over the Internet environment.

With respect to claim 2, Astiz discloses determining that any hyperlink is a broken hyperlink when the hyperlink points to an asset not represented in the database; undertaking action to address broken hyperlinks, the integrity of the hyperlinks being preserved once the hyperlinks are addressed (col. 3, lines 39-53, col. 4, lines 12-22, col. 11, lines 59-67 and col. 12, lines 1-54).

With respect to claim 3, Astiz discloses wherein the undertaking act includes modifying an asset on the Web server or adding an asset: to the Web server such that when a user browser selects a hyperlink in an asset on one of the Web servers, the

user is not presented with a 'file not found' message (col. 3, lines 39-53, col. 4, lines 12-37, col. 11, lines 59-67 and col. 12, lines 1-54).

With respect to claim 4, Astiz in view of Monier discloses linking the data representative of the assets and hyperlinks resident in the database to the corresponding assets on the Web servers ('330 of col. 7, lines 48-67, col. 11, lines 50-67 and col. 11, lines 1-3; '455 of see fig. 1, item 110 and col. 4, lines 18-34).

With respect to claim 5, Astiz in view of Monier discloses determining that a user is attempting to create a new asset on one of the Web servers ('455 of see fig. 1, item 110 and col. 4, lines 18-34); receiving the new asset; copying the new asset to a Web server; crawling the new asset to identify assets and hyperlinks therein ('455 of abstract, col. 3, lines 1-64); and storing data representative of the assets and hyperlinks in the database ('330 of col. 7, lines 48-67, col. 11, lines 50-67 and col. 11, lines 1-3).

With respect to claim 6, Astiz in view of Monier discloses determining that a user is attempting to modify an existing asset in one of the Web servers ('455 of item 110 in fig. 1 and col. 4, lines 18-34); unlinking the existing asset from the database; allowing the user to update the existing asset to render a modified asset, a copy of the existing asset being retained ('330 of col. 7, lines 48-67, col. 11, lines 50-67 and col. 11, lines 1-3); crawling the modified asset to identify assets and hyperlinks therein ('455 of abstract, col. 3, lines 1-64 and col. 4, lines 18-34); storing data representative of the assets and hyperlinks of the modified asset in the database; and relinking the modified asset and existing asset with the database ('330 of col. 7, lines 48-67, col. 11, lines 50-67 and col. 11, lines 1-3).

With respect to claim 7, Astiz discloses computer readable code means for identifying the assets and for identifying reference pointers in the assets to other assets in the data repository; computer readable code means for determining that a reference pointer is a broken reference pointer when the reference pointer refers to an asset not present in the data repository, such that a system manager can address the broken reference pointers, and the system further comprises: computer readable code means for linking the assets to a database containing metadata representative of the assets and reference pointers, such that backups of the database automatically cause the associated assets to be backed up on the file system or Web servers (col. 2, lines 18-42, col. 3, lines 20-38, col. 4, lines 38-55, col. 7, lines 48-67, col. 8, lines 1-4, col. 9, lines 32-67, col. 10, lines 1-67, col. 11, lines 1-67 and col. 12, lines 1-36: HTML as metadata and web pages as assets).

Astiz does not explicitly indicate, "the data repository includes at least one file system or at least two Web servers."

However, Monier discloses web servers as claimed (see fig. 1, item 110, col. 4, lines 18-34, col. 9, lines 62-67 and col. 10, lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Astiz with the teachings of Monier so as to have a computer system for managing assets on plurality of web servers because the combination would let the users to select a hypertext document in the database from which the web browser would not return an error message or "file not found message because the combination would provide the method for managing

assets on plurality of web servers enable to provide the navigational map to the users (Astiz – col. 5, lines 22-38) in the information retrieval via computer network over the Internet environment.

With respect to claim 8, Astiz discloses broken reference pointers are addressed using computer readable code means such that subsequent computer-based selections of the reference pointers are not possible or, if possible, do not result in "file not found" messages (col. 11, lines 59-67 and col. 12, lines 1-56).

With respect to claim 10, Astiz discloses computer readable code means for determining that a user is attempting to create a new asset on one of the Web servers; computer readable code means for receiving the new asset; computer readable code means for copying the new asset to a Web server; computer readable code means for crawling the new asset to identify assets and hyperlinks therein; and computer readable code means for storing data representative of the assets and hyperlinks in the database (col. 2, lines 18-42, col. 3, lines 20-38col. 10, lines 45-67, col. 11, lines 59-67 and col. 12, lines 1-36).

With respect to claim 11, Astiz in view of Monier discloses computer readable code means for determining that a user is attempting to modify an existing asset in one of the Web servers ('455 of item 110 in fig. 1 and col. 4, lines 18-34); computer readable code means for unlinking the asset from the database; computer readable code means for allowing the user to update the asset to render a modified asset ('330 of col. 7, lines 48-67, col. 11, lines 50-67 and col. 11, lines 1-3); computer readable code means for crawling the modified asset to identify assets and hyperlinks therein ('455 of abstract,

col. 3, lines 1-64 and col. 4, lines 18-34); computer readable code means for storing data representative of the assets and hyperlinks of the modified asset in the database; and computer readable code means for relinking the database with the modified asset ('330 of col. 7, lines 48-67, col. 11, lines 50-67 and col. 11, lines 1-3).

With respect to claim 12, Astiz in view of Monier discloses crawling the Web server to identify assets and hyperlinks therein ('455 of abstract, col. 3, lines 1-64 and col. 4, lines 18-34); sending metadata representative of the assets and hyperlinks to a database, whereby when a user browser selects a hyperlink represented in the database, the user is never presented with a "file not found" message ('330 col. 10, lines 45-67, col. 11, lines 1-67 and col. 12, lines 1-36).

With respect to claim 13, Astiz in view of Monier discloses determining that a user is attempting to create a new asset the Web server ('455 of see fig. 1, item 110 and col. 4, lines 18-34); receiving the new asset; copying the new asset to a Web server; crawling the new asset to identify assets and hyperlinks therein ('455 of abstract, col. 3, lines 1-64); and storing metadata representative of the assets and hyperlinks in the database ('330 of col. 7, lines 48-67, col. 11, lines 50-67 and col. 11, lines 1-3).

With respect to claim 14, Astiz in view of Monier discloses determining that a user is attempting to modify an existing asset in the Web server ('455 of item 110 in fig. 1 and col. 4, lines 18-34); such that the asset can be unlinked from the database in response; allowing the user to update the asset to render a modified asset ('330 of col. 7, lines 48-67, col. 11, lines 50-67 and col. 11, lines 1-3); crawling the modified asset to identify assets and hyperlinks therein ('455 of abstract, col. 3, lines 1-64 and col. 4, lines

18-34); sending metadata representative of the assets and hyperlinks of the modified asset in the database, such that the database can be relinked with the modified asset ('330 of col. 7, lines 48-67, col. 11, lines 50-67 and col. 11, lines 1-3).

With respect to claim 15, Astiz in view of Monier discloses receiving, in a database, data representative of assets and hyperlinks from plural Web servers ('455 of see item 110 in fig. 1, col. 4, lines 18-34, col. 6, lines 64-67 and col. 7, lines 18); maintaining the database such that when a user browser selects a hyperlink represented in the database, the user is never presented with a "file not found" message ('330 of col. 11, lines 56-67 and col. 12, lines 1-14).

With respect to claim 16, Astiz discloses determining whether any hyperlink is a 'broken hyperlink when the hyperlink points to an asset not represented in the database; and facilitating action to address broken hyperlinks (col. 10, lines 45-67, col. 11, lines 1-67 and col. 12, lines 1-36).

With respect to claim 17-18, Astiz in view of Monier discloses linking the data representative of the assets-and hyperlinks resident in the database to the corresponding assets on the Web servers and the database is remote from the Web servers ('455 of col. 4, lines 18-34, col. 9, lines 27-67 and col. 10, lines 1-15).

With respect to claim 19, Astiz discloses automatically backing up the assets and hyperlinks when the database is backed up (col. 10, lines 45-67, col. 11, lines 1-67 and col. 12, lines 15-36).

With respect to claim 20, Astiz in view of Monier discloses automatically covering backed up assets and hyperlinks to their respective Web servers when the database is

recovered ('330 of col. 10, lines 45-67, col. 11, lines 1-67 and col. 12, lines 15-36; '455 of col. 4, lines 18-34, col. 9, lines 27-67 and col. 10, lines 1-15).

***(11) Response to Argument***

Appellant argues that claims 1, 12 and 15 require managing links in a way that ensures that a "'file not found' message is not presented to the user if he click on a broken link.

Astiz et al teaches that the users are able to use the mouse to click or navigate to the desired web page. As taught in Astiz, one of the map icons may indicate that a link is unavailable or unreachable (col. 10, lines 27-67). This provides the ability in Astiz to present to users the status of unavailable or unreachable to ensure that when user browsers select a hyperlink represented in the database. Monier discloses a fetching technique including a fetched flag that presents users unavailable messages when browsing a selected hyperlink (col. 5, lines 22-67, col. 6, lines 1-67, col. 8, lines 14-67, and col. 9, lines 50-62). Thus, Astiz et al. and Monier teach the claimed the user is not presented with a "file not found" message.

In addition, claims 1, 12 and 15 do not recite the appellant's argument of "require managing links in a way that ensures that a "file not found" message is not presented to the user if he clicks on a broken link."

Appellant is reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Appellant argues that "linking the assets to a database containing metadata representative of assets and reference pointers, such that backups of the database automatically cause the associated assets to be backed up on the file system or web servers."

Astiz et al. in view of Monier teaches that a web crawler's database contains of web pages that are assets to a database (col. 3, lines 39-63). Web crawler is a system to fetch and analyze located pages on the web to store an entry in the disk file as well as smaller entry in the hash table or web page information hash table (col. 3, lines 1-17). Each web page is referenced by a URL link in a web page that has been fetched and analyzed (col. 5, lines 20-67). Thus web page information hash table is data dictionary or metadata of database, Web crawler system is used for fetching and analyzing web pages on the World Wide Web that includes a hash table stored in random access memory (RAM) and a sequential Web information disk file (see figs 1-3, Web server, item 110, hash table 132, web information hash table 130 and web information disk file, item 150). The hash table allows users to fetch and analyze the existence of an entry, such as URL. A web page on the database includes a disk file containing the web information. All newly or updated web page are stored or stored back or copied in the disk file via the input buffer 134, such as backing up the information on the disk (Monier, col. 1, lines 47-67, col. 2, lines 1-2, col. 3, lines 29-64, col. 5, lines 20-67, col. 6, lines 1-67 and col. 7, lines 1-31). The hash table includes disk

file location values for each known Web page. In other words, an entry in the web information on the disk file is accessed by first reading the disk file address in the corresponding entry in the web information hash table and then reading the web information disk file entry at that address, reference pointers to the assets (col. 9, lines 41-49). Thus, Monier teaches the claimed linking the assets to a database containing metadata representative of the assets and reference pointers, such that backup of the database automatically cause the associated assets to be backed up on the file system or web servers.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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